

**AFFIDAVIT OF
GREGORY GRANT**

IN THE CHANCERY COURT OF TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

PATRICE JORDAN ROBINSON,
GREATER MEMPHIS DEMOCRATIC CLUB,
LATANYA BARBER THOMAS, and,
JOHNSON SAULSBERRY, III

Plaintiffs,

vs.

DOCKET NO:

SHELBY COUNTY ELECTION COMMISSION
LINDA PHILLIPS, in her official capacity as
Administrator of the Shelby County Election
Commission, STEVE STAMSON, ANTHONY TATE,
MATT PRICE, BENNIE SMITH, AND
BRENT TAYLOR, in their official capacities as
Members of the Board of Commissioners of the
Shelby County Election Commission,

Defendants.

AFFIDAVIT OF GREGORY GRANT

1. My name is Gregory Grant, I am over the age of 18 years old, and I am a citizen and resident of Memphis, Shelby County, Tennessee.
2. I am the Director of Field Operations for the Greater Memphis Democratic Club. The Greater Memphis Democratic Club, is a political organization of citizens interested in questions on the ballot, interested in presenting the purity of elections, and interested in guarding against abuse of the elective franchise.
3. In connection with the October 3, 2019 Election, the Greater Memphis Democratic Club manages approximately sixty (60) campaign workers, hired to distribute campaign materials for candidates running for some of the offices on the ballot in the

City of Memphis' October 3, 2019 Municipal Election, in order to cover polling locations where these candidates do not have campaign workers to distribute their literature.

4. All of the campaign workers managed by the Greater Memphis Democratic Club are African American citizens and residents of Shelby County Tennessee.
5. I have served in numerous roles, in hundreds of campaigns, at various times during the last approximately 40 years, and I have also been a candidate for a political office, all of which has occurred in Memphis, Shelby County, Tennessee.
6. During the approximate 40 years I have been involved during political campaigns in Memphis, Shelby County, Tennessee, the Shelby County Election Commission has never issued written rules, prior to August 15, 2019, stating that campaign workers cannot enter buildings where polling places are located to use the restroom. Campaign workers have always been required not to violate election laws while inside the 100-foot zone, and while inside of buildings where elections are held. Last year, was the first time I have ever known the Shelby County Election Commission to issue an oral rule to this effect.
7. Based on my experience with my own political campaign, and my experience working in hundreds of political campaigns, I am aware that candidates for political office with fewer financial resources; candidates lacking the financial resources to invest heavily in purchasing political advertisements prior to election day and during early voting; and "grassroots" candidates, heavily rely upon, the dissemination of their campaign literature by campaign workers at election locations. These campaign workers distribute candidates' platform information and/or educate voters of their

- candidacies, and/or provide information on important referendums while outside the 100-foot zone to the entrances of buildings where polling places are located.
8. Not allowing campaign workers to use the restroom results in missed opportunities for campaign workers to distribute a candidate's educational to voters who come to cast their votes while the campaign worker is required, under the new Shelby County Election Commission's rule, to leave the premises to find a restroom.
 9. Individuals are who hired and managed by the Greater Memphis Democratic Club during the current election period to distribute candidates' literature at polling locations, work from 11:00 a.m. until 7:00 p.m., every weekday and from 10:00 a.m. until 4:00 p.m. on weekends during the early voting period, and 7:00 a.m. until 7:00 p.m. on Election Day.
 10. Campaign workers hired and managed by the Shelby County Democratic Club attend a meeting, held prior to the first day of early voting period, where they are instructed that they must look for a Shelby County Election Commission mark off of the 100 foot zone at polling locations; that they are must not distribute a candidate's materials beyond this area; that they must bring a shirt to cover up any political messages before entering a building to use the restroom; that they cannot carry signs, bumper stickers, posters, or any literature advocating for or against any candidate or issue; and they cannot engage in conversation with voters or interfere with the election process in any way, when they enter a building where polling places are located to use the rest room.
 11. Campaign workers are also told that they will be terminated if they fail to adhere to the above rules. However, I am not aware of any of campaign worker managed the

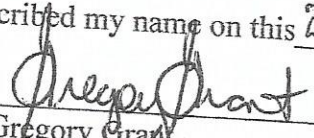
Greater Memphis Democratic Club, nor has the Shelby County Election Commission ever notified me, that a campaign worker managed by the Greater Memphis Democratic Club has violated the laws relating to the electoral process in Memphis, Shelby County, Tennessee.

12. Some campaign workers hired and managed by the Greater Memphis Democratic Club to work at polling locations, do not have transportation and, depending on the location of the polling place, it is difficult, and sometimes unsafe, for these campaign workers to leave the premises where polling places are located in order to find a rest room. For instance, the closest alternative location near Mount Zion Baptist Church, 60 S. Parkway, Memphis, Tennessee, where campaign workers can walk to the restroom is unsafe and unsanitary.
13. Based on my experience working with campaigns, the Shelby County Election Commission's rule that prohibits campaign workers from entering buildings where polling places are located to use restrooms interferes with voting, because many candidates lack the resources to advertise and many voters do not make a final decision candidates and/or issues until they reach polling places and read the literature provided by campaign workers. Hence, many candidates in Memphis heavily rely on campaign workers to educate the public about their platform and their candidacy at the polling place. Campaign workers who are required to leave the premises to use the restroom will miss opportunities to educate voters on about the candidates and their platforms, and important platform issues, since they are required to leave the premises.

14. It takes some campaign workers as long as 30 minutes, or longer, to walk to, use and return from a restroom location away from the building where a polling place is located, and a campaign worker may have to use the restroom two or more times per day, depending on a number of factors.
15. On September 17, 2019, a letter was sent to the Shelby County Election Commission on behalf of the Greater Memphis Democratic Club, informing the Commission that the Greater Memphis Democratic Club intended to take further action if they did not rescind the rule stating campaign workers are barred from buildings, which was distributed to candidates on August 15, 2019 (*See Attachment A*).
16. In response to the letter sent on behalf of the Greater Memphis Democratic Club, on September 20, 2019, Linda Phillips sent a letter stating that campaign workers are allowed to enter certain buildings where polling places are located to use the restroom; however, campaign workers at other buildings where polling places are located cannot enter the buildings to use the restroom. All of the buildings where campaign workers are not allowed to use the restroom are in African American polling precincts.
17. These buildings include Glenview Community Center, 1141 S. Barksdale, Memphis, Tennessee, and Greater Middle Baptist Church, 4982 Knight Arnold Rd, Memphis, Tennessee. Johnson Saulsberry, III, one of the campaign workers managed by the Greater Memphis Democratic Club, is disabled, and he is assigned to work at these two polling locations.
18. I believe the Shelby County Election Commission's rule will adversely impact the distribution of campaign materials on election day in African American

neighborhoods and will infringe upon the electoral process on election day, unless immediately rescinded.

In witness whereof, I have hereunto subscribed my name on this 25th day of Sept., 2019.


Gregory Grant

STATE OF TENNESSEE
COUNTY OF SHELBY

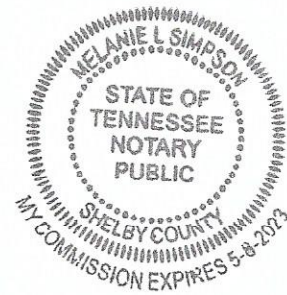
SWORN TO AND SUBSCRIBED BEFORE ME THIS 25 day of September 2019.



Notary Public

My commission expires:

5-8-2023





1331 Union Avenue, Suite 1033
Memphis, TN 38103
Phone: 901-522-2747
Fax: 901-522-2749
Email: lharris@nettlesharrislaw.com
www.nettlesharrislaw.com

September 17, 2019

Ms. Linda Phillips
Administrator of Elections
Shelby County Election Commission
157 Poplar Avenue, Suite 137
Memphis, TN 38103

Re: Shelby County Election Commission's New Campaign Workers' Rule

Dear Ms. Phillips:

This letter is sent on behalf of the Greater Memphis Democratic Club and campaign workers who work outside the 100-foot area of polling places located in and throughout Memphis and Shelby County, Tennessee. The purpose of this letter is to challenge the arbitrary and capricious rule the Shelby County Election Commission has imposed, for the first time in the history of elections in Memphis, Shelby County, Tennessee, which provides that "the practical effect of (Tennessee election laws) is that campaign workers have to find somewhere else to use the bathroom."

The Shelby County Election Commission has the authority to impose rules regulating the conduct of elections, including rules which govern behavior that interferes with or distracts election officials from carrying out their duties; interferes with or distracts voters from exercising their right to vote at polling places; or otherwise interferes with the orderly conduct of elections. The Shelby County Election Commission has sited to no statistical data, documentation, or evidence that campaign workers who take a break, and who do not display clothing that advocates for any candidate or issue when they enter a building to use the toilet, have engaged in behavior that interferes with or distracts election officials from carrying out their duties; interferes with or distracts voters from exercising their right to vote at polling places; or otherwise interferes with the orderly conduct of elections in Memphis, Shelby County, Tennessee, when they use the toilet inside building facilities housing polling places.

To the contrary, campaign workers who use the toilet in buildings that house polling places do not enter the "polling places," do not carry signs, bumper stickers, posters, literature, do not display any article of clothing that advocates for or against any candidate or issue, do not circulate petitions or engage in similar activity and do not speak to or engage with voters inside the polling place, or within 100 feet of the polling place, in any way whatsoever while using the toilet.

More importantly, voters have a right to be provided with educational information on issues and candidates before entering polling places to cast their votes. Campaign workers provide voters

Attachment A - Grant Affidavit

with this valuable information. The requirement that campaign workers "find somewhere else to use the bathroom" will result in missed opportunities to educate voters and is a form of voter suppression.

Therefore, the Greater Memphis Democratic Club and campaign workers who work outside the 100-foot area of polling places located in and throughout Memphis and Shelby County Tennessee are hereby challenging the Shelby County Election Commission's new rule that campaign workers "have to find somewhere else to use the bathroom" as arbitrary and capricious because it reverses a decades-old, long-standing practice in Memphis, Shelby County, Tennessee without sound reasoning and without proper consideration of the fact that "holding it in" until a person can "find somewhere use to use the bathroom" can lead to adverse health consequences such as urinary tract infections, bladder damage, humiliation, mental distress when a person just can't hold it in any longer while they look to "find somewhere else to use the bathroom," and is an affront to dignity.

Using the bathroom is something everyone must do, just like one must breath and eat and sleep. It is unhealthy to "hold it in" until one can "find somewhere else to use the bathroom." The Shelby County Election Commission has exceeded its authority by imposing this arbitrary, capricious, and baseless denial of a basic human right to use toilets located in areas of buildings found outside of polling places. Since the Shelby County Election Commission has exceeded its authority by imposing this nonsensical rule, if it is not immediately rescinded, the Greater Memphis Democratic Club and campaign workers currently working outside the 100-foot area of polling places located in and throughout Memphis, Shelby County, Tennessee plan to take further action.

Respectfully,


Linda Nettles Harris, Esquire

cc: Mr. Steve Stamson, Chairman, Shelby County Election Commission Board
Mr. Anthony Tate, Secretary, Shelby County Election Commission Board
Mr. Matt Price, Member, Shelby County Election Commission Board
Mr. Bennie Smith, Jr., Member, Shelby County Election Commission Board
Mr. Brent Taylor, Member, Shelby County Election Commission Board
Shelby County Legislative Delegation
Candidates for Office Memphis, Tennessee 2019 Municipal Races



Shelby County Election Commission

September 20, 2019

Linda Nettles Harris
Nettles Harris Law Firm
1331 Union Avenue, suite 1033
Memphis, TN 38103

Re: Letter of September 17, 2019

Dear Ms. Nettles Harris,

Thank you for your letter dated September 17, 2019 concerning campaign worker's bathroom use at polling places. This policy has been in place since Coordinator of Elections Mark Goins became the coordinator in 2009. The rule stems from T.C.A. § 2-7-103 which clearly describes the persons allowed to enter a polling place. Campaign workers are not among those on the list of authorized persons. We have checked with the Coordinator's office to confirm that this is the policy for all Counties in Tennessee.

In addition to the Statute, the policy stems from a 2008 decision of the Tennessee Democratic Executive Committee in the Barnes v. Kurita case. In that case, Ms. Kurita and her campaign manager allegedly violated the 100-foot boundary rule to speak with voters and make attempts to influence voters inside a polling place. The excuse given was that they needed to use the bathroom. The result of those violations was that the Democratic Executive Committee declared the results of the primary between Ms. Kurita and Mr. Barnes "incurably uncertain" and set aside the results of that race. In order to prevent similar abuses, the Coordinator of Elections implemented this policy.

Due to a recent change in T.C.A. 2-7-111, Election Commissions across the state designate entrances to be used by voters for the 100-foot boundary rule. Other entrances may be used for bathroom; however, this is within the control of building owners and not within the Shelby County Election Commission. Use of alternate entrances may be permissible so long as campaign workers do not bring in any campaign buttons, stickers, shirts or campaign paraphernalia into the building and also avoid walking past voters and the voting areas inside the buildings. In cases where polling places do not have multiple entrances, the policy remains in effect and campaign workers should find alternate accommodations like service stations or public buildings.

Sincerely,

Linda Phillips
Administrator of Elections

157 Poplar Avenue, Suite 137*Memphis, TN 38103-1948
980 Nixon Drive*Memphis, TN 38134-7966
Phone: 901.222.1200 *Fax: 901.222.6811 *ShelbyVote.com

Steve Stamson
Chairman

Anthony Tate
Secretary

Matthew Price

Bennie Smith, Jr.

Brent Taylor
Members

Linda A. Phillips
Administrator

Joe Wm. Young II
Deputy Administrator

Attachment B - Grant Affidavit

Early Voting Location

Location	Designated Door
<u>Abundant Grace</u>	<u>The entrance to the Gymnasium; immediately to the west of the entrance to the Sanctuary.</u>
<u>Agri-Center</u>	<u>The glass doors on the South side of Haley Harvest Drive, immediately adjacent to the area used.</u>
<u>Anointed Temple of Praise</u>	<u>Both doors on the west side of the Fellowship Building.</u>
<u>Bellevue Baptist</u>	<u>Door closest to the room used for voting.</u>
<u>Bellevue Frayser</u>	<u>Entrance on the east side of the Education Building.</u>
<u>Berclair Church</u>	<u>The door to the Education building.</u>
<u>Dave Wells Community Center</u>	<u>Main Entrance</u>
<u>Glenview Community Center</u>	<u>Main Entrance</u>
<u>Greater Lewis Baptist Church</u>	<u>Main Entrance</u>

Comments

The sanctuary doors are locked; unknown if there are other doors. Probably have to find another building.

Have to find another building.

Have to find another building.

If other doors are unlocked and building owner gives permission, then OK.

The voting entrance is widely separated from the Main Entrance. Do not know if other doors are unlocked.

Have to find another building.

Have to find another building.

Have to find another building.

Have to find another building.

<u>Greater Middle Baptist Church</u>	<u>The doors on the north side of the building that lead into Fellowship Hall.</u>
<u>Mt. Zion Baptist Church</u>	<u>The door that faces Texas Street between the Sanctuary and the Education wing.</u>
<u>Raleigh United Methodist Church</u>	<u>Doors on the lower level that enter immediately into Fellowship Hall</u>
<u>Riverside Baptist Church</u>	<u>Doors on west side of the gymnasium.</u>
<u>Shelby County Election Commission</u>	<u>Doors on Poplar and 2nd Street</u>
<u>Second Baptist Church</u>	<u>Doors leading into the Gymnasium</u>
<u>Solomon Temple MB Church</u>	<u>Front and back doors to the west of the main entrance to the Sanctuary.</u>
<u>White Station Church of Christ</u>	<u>Entrance on the east side of the main building from the parking lot.</u>

Have to find another building.

If the main door is unlocked and there is a set of restrooms before you get to the Education wing, then OK if the building owner gives permission. Otherwise, have to find another building.

If the front door are open and the building owner gives permission, then OK but since it is up a hill, it is probably closer to find another building.

Have to find another building.

Have to find another building; 150
Washington is close.

Have to find another building.

Have to find another building; these are
the only doors that are unlocked.

Have to find another building.
